

**REGULAR SESSION    RUSH COUNTY BOARD OF COMMISSIONERS    NOVEMBER 5, 2012**

The Rush County Board of Commissioners met in regular session, Monday, November 5, 2012 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Ken Masters called the meeting to order. Marvin Cole made the motion to approve the minutes of the regular meeting of October 22, 2012 meeting as presented. Ken Masters seconded the motion. Motion carried.

**RIDE RUSH**

Wanda Henderson, Senior Center Director, received approval on the Section 5311 Grant Agreement for 2013 on a motion from Ken Masters. Marvin Cole seconded the motion. Motion carried.

The commissioners had the opportunity to previously receive and review the third quarter vouchers for Ride Rush.

**PURDUE EXTENSION**

Kristi Amos, Purdue Extension Director, was present during the commissioners signing of the Extension Contractual Services Agreement between Purdue University and Rush County. The contract encompasses Kristi Amos and Gracie Marlatt for the 2013 year. Ken Masters made the motion to approve and sign the annual contract services agreement. Marvin Cole seconded the motion. Motion carried.

**EMS**

EMS Director Chuck Kemker reported that he has over 70 all-weather radios to give out to Rush County residents.

Kemker informed the commissioners that Rush County has been recognized as the most improved department in Indiana. Kemker share the certificate he had received with the commissioners.

Kemker submitted his application to continue to retain his position as EMS director in 2013.

**SOLID WASTE**

Solid Waste Director Carole Yeend reported that 2500 tires were donated over the weekend. The tires will go to Peru.

**TREASURER**

Treasurer Mary Ann Beard reported that the property tax collection deadline has been extended to Tuesday, November 13, 2013. November 10, 2012 falls on a Saturday and November 11, 2012 is a holiday.

### **SHERIFF**

Sheriff Jeff Sherwood reported forty-four inmates currently incarcerated in the Rush County jail.

### **HIGHWAY**

Highway Superintendent Jerry Sitton presented the Bridge Inspection contract as prepared by the state contract. Sitton reported that the state will pay 80% of the bridge cost of doing the bridge inspection which amounts to \$223,680.00. Marvin Cole made the motion to sign the contract. Ken Masters seconded the motion. Motion carried.

Sitton submitted the October highway monthly report.

### **AUDITOR**

Auditor Deborah Adams received approval on payroll submitted for the pay period ending November 9, 2012 on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

Bi-weekly claims submitted October 30, 2012 were approved on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

Adams reported that during the past auditors conference the IRS held an instructional session on employee fringe benefits. Adams shared with the commissioners the IRS Notice 2011-72 regarding the tax treatment of cell phones.

The county has adopted a 25% taxable fringe benefit policy for employees using county cell phones. Adams explained that this the IRS changed their tax treatment on cell phones in 2009 and many within the association were not aware of any such changes. Adams did explain that the IRS has now proposed that if the county requires the employee to use a cell phone the employee also has the phone also for personal use without an extra fee. The county could also choose to provide a set subsidy to the employee, if the employee uses their personal phone for county work. This would need to be determined and addressed in the county personnel policy.

Adams did note that she had a private conversation with the IRS regarding the already taxable fringe benefit applied in 2012 to employees with county cell phones. Adams reported that this is a tax and there was no way to refund this. Adams did explain that she had immediately contacted Leigh Morning provided her with the power point presentation from the conference. Morning did agree that the taxable fringe benefit could no longer be applied.

Tom Barnes addressed Ken Masters sharing that the personnel policy committee needs to meet and come up with a new policy addressing the cell phone before January 1<sup>st</sup>.

Ken Masters made the motion to repeal the current cell phone policy and to revisit the policy. Marvin Cole seconded the motion. Motion carried.

Adams reported that notice of a Tort claim has been received. A copy has been forwarded to Schroeder Insurance, the commissioners and the county attorney

### **ANIMAL CONTROL SERVICES**

Deborah Adams reported that she has received the invoice of \$13,500.00 from the City of Rushville for animal control services as per the interlocal agreement dated 8-7-12. Adams indicated that she still has \$7,500.00 left in the commissioner's budget but is short \$6,000.00 towards payment of the invoice.

Tom Barnes referred to prior conversations since the jail no longer had the part-time employee for animal control. Barnes asked Jeff Sherwood what he had to contribute from his budget. Sherwood and Adams will get together.

### **COMMUNITY CORRECTIONS ADVISORY BOARD**

Deborah Adams reported only one (1) application had been received for the four (4) lay people appointment to the Community Corrections Advisory Board. The commissioners were to make the board appointments during today's meeting.

County Attorney Leigh Morning informed the commissioners that this would need to be advertised again. Ken Masters made the motion to re-advertise the board appointments to be addressed during the November 19, 2012 meeting. Marvin Cole seconded the motion. Motion carried. The deadline for turning in the applications is November 16, 2012.

### **HEARING – ROAD CLOSING**

The continued hearing of the petition to vacate a platted road along 900 South in Anderson Twp. in Milroy continued at 9:30 a.m. Commissioner Tom Barnes instructed individuals speaking to come forward, provide their name and address prior to speaking.

- Jeff Smith – Base Rd, Milroy – Farms tenet Jackman farm. Smith had spoken to Hwy. Superintendent Jerry Sitton by phone concerning the area. Smith questioned the liability of the road that crossed the Abe Keim property. Conversation was held concerning that the ford. Sitton informed Smith that the ford is where it has been for seventy-five (75) years. Sitton also indicated that the road is a low priority road.

- Leigh Morning, County Attorney – was referred to for her thoughts following Smith's comments. Morning indicated that she had not had the opportunity to research the topic as this was the first she was made aware of the situation.
- Jeff Smith – Stated that the road is unsafe, trees need trimming, the road has pot holes, there is illegal dumping issues, damage to crops. Smith asked for a sign to be posted to warn the public of no bridge located on the road. Smith stressed that he had nothing against the Amish community using the path. He believed that the path was intended for their use.
- Richard Schrock – 900 S, Milroy - presented the commissioners with a petition of 25 signatures from the Amish community requesting that County Road 900 S between 100 W and 175 W remain open for public use. The petition also asked that a sign be posted stating the penalty for illegal dumping.
- Lorrella Solomon – Commented that the area looks better than ever. She stated that she wants everyone to work together.

Commissioner Tom Barnes – Stated that everyone can work together, signs will be placed and that the road should remain open for our Amish friends.

Commissioner Ken Masters – Stated that he spent time in the area with Highway Superintendent Jerry Sitton. Masters made the motion to place signs in the area and to deny the petition to close the road. Commissioner Marvin Cole seconded the motion. Motion carried.

The penalty for a 1<sup>st</sup> offense of illegal dumping is \$50.00. The commissioners decided that this can be revisited in the future.

County Attorney Leigh Morning will research the liability question the Abe Keim property. Marvin Cole made the motion to close the hearing. Ken Masters seconded the motion. Motion carried.

## **MISC.**

- RCHS Madrigal's - Ken Masters made the motion to approve Paul Grizzard and the RCHS Madrigal's to hold their annual dinner performance at the courthouse during period of December 4th and 9th, 2012. Marvin Cole seconded the motion. Motion carried.
- Rush County Players - Ken Masters made the motion to take a request to utilize the Courthouse Assembly Room for the Rush County Players production of "Inherit the Wind" under advisement until after the first of the new year. Marvin Cole seconded the motion. Motion carried.
- EMS – EMS run reports from Carthage Volunteer Fire Department and Raleigh EMS were reviewed.

Motion to adjourn was received from Marvin Cole. Ken Masters seconded the motion.  
Motion carried.

<u>/s/Tom Barnes</u>	<u>/s/Marvin Cole</u>	<u>/s/Ken Masters</u>
Tom Barnes, Chairman	Marvin Cole	Ken Masters

ATTEST:

<u>/s/Deborah C. Adams</u>
Deborah C. Adams, Auditor